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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,809	07/13/2001	Frederick J. Duske JR.	110275.2200US2	1756
20792	7590	12/15/2004	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC			PHAM, BRENDA H	
PO BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	
			2664	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,809

Applicant(s)

DUSKE ET AL.

Examiner

Brenda Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 July 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,13 and 19-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19-23,25-26 and 28 is/are allowed.
- 6) ☒ Claim(s) 1,2,24 and 27 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/13/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-2, 13, 19-28 have been examined.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-2, 24, 27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 and 9, respectively, of U.S. Patent No. US 6,292,473 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-2 of the instant application included in the patented invention of claim 1 of US 6,292,473.

Claim 1-2 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1, lines 29-61 of US 6,292,473 B1.

Claims 24 and 27 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 9, column 76-77, lines 53-67 and 1-8, respectively.

Allowable Subject Matter

4. Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 19-23, 25-26 and 28 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: the prior art made of record does not teach or fairly suggest in combination wherein the mobile communication system comprises a PCMCIA slot and application software including a configuration manager, the storing step comprising: connecting a PCMCIA card to the PCMCIA slot; and downloading the message display form via the PCMCIA slot.

The prior art made of record does not teach or fairly suggest in combination a communication method of claims 19 and 25, comprising: storing a plurality of message display forms in the mobile communication system, each message display form having a predetermined display format and a form identifier; storing network identifier for the central controller and at least one of the mobile communication systems; generating at a first of the mobile communication system a user message comprising message data and one of the stored network identifiers; outputting from the first mobile communication system a satellite message carrying the one network identifier, the message data and the form identifier of a selected one of the message display forms to the satellite communication switching office; transmitting the satellite message to the satellite communication switching office via the satellite; and routing the satellite message from

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the satellite communication switching office to one of the central controller and a second of the mobile communication systems in accordance with the one network identifier (claims 19-22 and 25).

Claims 23 and 26, the prior art does not teach in combination the mobile communication system storing on a tangible medium the following software structure for transmitting and receiving the data: (1) a middleware communications layer sending the data including the satellite message to the transceiver, said middleware communications layer capable of supporting different low level communication codes to support different transceivers; (2) a middleware router layer controlling operations of the network controller, said middleware router layer capable of supporting different transceiver protocols; (3) a network controller layer outputting the satellite message carrying the user message to the middleware communication layer, said network controller layer capable of supporting different network functionality; and (4) a user interface layer outputting a user message, and receiving user inputs from the graphic user interface, said user interface layer capable of supporting different screen designs and/or information that is displayed to or received from the user without requiring recompilation of the software structure.

The prior art made of record does not teach or fairly suggest in combination a communication system comprising: a network form controller storing a plurality of message forms each having a form identifier and a form definition specifying a predetermined format; and a user interface controller retrieving a selected one of the form definitions and at least one station address responsive to user inputs, and said

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user interface controller outputting a user message including the at least one station address and the form identifier corresponding to the selected form definition (claim 28).

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chanroo et al (US 5,684,859) discloses a method and apparatus for downloading location specific information to selective call receivers.

Conclusion

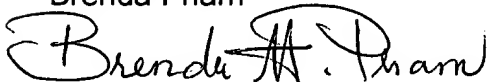
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Pham whose telephone number is (571) 272-3135. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin, can be reached on (571) 272-3134.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

December 2, 2004

Brenda Pham

A handwritten signature in black ink that reads "Brenda A. Pham". The signature is written in a cursive style with a large, looped initial "B" and a stylized "A".